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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,615	02/21/2002	Kazuhiro Sato	450100-3922.2	2828
20/999 7590 03/04/2009 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151				
EXAMINER				
ZHONG, JUN FEI				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/081,615

Applicant(s)

SATO, KAZUHIRO

Examiner

JUN FEI ZHONG

Art Unit

2426

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see page 11, filed 2/10/2009, with respect to the rejection(s) of claim(s) 25-42 under Henmi in view of Watannabe, and further in view of Sartain and Haroun have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Oda et al. (Patent # US 5204662).

A non-final office action is given due to the submission of English translation of the priority document which disqualify Watanabe as a prior art under 35 USC 103 (a).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 25, 27-30, and 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henmi (US 5,552,833) in view of Oda et al. (US 5204662).

As to claim 25, Henmi discloses a reception device for controlling a recording module (e.g., image recording/reproducing apparatus 25; Fig. 9), comprising:

receiving means (e.g., reception means A; Fig. 9 and 16) for receiving a particular format file transmitted through a network (e.g., television-program table information is transmitted using teletext formats in a coding transmission system);

said particular format file including text based control commands (e.g., program start and program terminate information) that control said recording module (e.g., based on program start and program terminate information received, start instruction means 23 and termination instruction means 24 sends command to start/stop recoding program) (see col. 3, lines 30-47; col. 4, lines 1-14, 45-60; col. 6, line 4 through col. 7, line 11; col. 7, line 35-col. 8, line 45; col. 11, line 54 – col. 12, line 12);

extracting means (e.g., signal extracting section 1; Fig. 9 and 16) for extracting at least one of said text based control commands from the received particular format file (co. 6, lines 6-12; col. 11, lines 54-62);

control means (e.g., comparator means 22 ; Fig. 9) for controlling said recording module based on the extracted text based control commands (i.e., based on program start/terminate information received to start/stop recording),

wherein the control means converts the text based control commands to codes based on pre-registered product information of the recording module (i.e., “an image recording/reproducing apparatus control section 38 for generating a control signal to an image recording/reproducing apparatus 39 by control information obtained by the added data decoder section 36”; the product information/or control codes must known to the system in order for the system to control the recoding apparatus) (see col. 6, line 62 – col. 7, line 10; col. 11, line 54-col. 12, line 20; col. 13, line 55-col. 14, line 15),

wherein said control means uses a timer reservation function to reserve an operation time of said recording module (see col. 6, line 62 – col. 7, line 10).

Henmi does not specifically disclose recording modules with different code systems are controlled after the recording modules are registered.

Oda discloses recording modules with different code systems are controlled after the recording modules are registered (e.g., controller 20 stores VTR control command in memory 30; Fig. 1) (see col. 2, lines 15-32; col. 3, line 40-col. 4, line 32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Henmi's system to include control code register as taught by Oda in order to provide an audio/visual system with remarkably enhancing the handling convenience (see col. 2, lines 1-19).

As to claims 30 and 35-36, they contain the limitations of claim 25 and are analyzed as previously discussed with respect to claim 25 above.

As to claims 27 and 32, Henmi discloses that said operation time of said recording module is stored in a memory (e.g., means 5; Fig. 9 and 16) (see col. 6, line 4 through col. 7, line 11; col. 12, lines 1-8).

As to claims 28 and 33, Henmi discloses that said recording module is a video recording module (see col. 4, line 49 – col. 5, line 14; col. 6, lines 52- 67).

As to claims 29 and 34, Henmi discloses that said recording module is a television program recording module (col. 4, line 49 – col. 5, line 14; col. 6, lines 52-67).

4. Claims 26 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henmi (US 5,552,833) in view of Oda et al. (US 5204662), further in view of Sartain (US 5,914,712).

As for claims 26 and 31, note the discussion above, Henmi fails to disclose that said network through which the data is received is the Internet.

In analogous art, Sartain disclose that said network is the Internet (see col. 7, lines 14-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include said network being the Internet as taught by Sartain in the recoding system of Henmi as modified by Oda for the typical benefit of transferring data to anywhere in the world by taking advantage of the global network comprising millions of interconnected computers.

5. Claims 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henmi (US 5,552,833) in view of Oda et al. (US 5204662), further in view of Haroun et al. (Patent # US 5787259).

As for claims 37 and 39, note the discussion above, Henmi discloses recording module and storage means (see col. 6, line 4 through col. 7, line 11).

Henmi fails to disclose recording module is registered in a storage means accessible by said reception device.

In analogous art, Haroun disclose recording module is registered in a storage means accessible by said reception device (e.g., VCR is connected to computer 15 with IEEE 1394/USB bus which will cause computer 15 assign a ID to VCR; Fig. 1) (see col. 4, lines 5-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include device registration as taught by Haroun in the recoding system of Henmi as modified by Oda for the typical benefit of ease of use, improved functionality, and reduced costs resulting from the elimination of the interface components of the consumer electronics devices (see col. 1, lines 25-29).

As to claims 38 and 40, Haroun discloses the registration information is retrieved each time said text control commands are received by said receiving means (e.g., every command string includes device's name) (see col. 8, lines 39-55).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nishigaki et al. (US Patent # 5900912) is cited to teach by detecting start time data from video signal to start recoding video.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jun Fei Zhong whose telephone number is 571-270-1708. The examiner can normally be reached on Mon-Fri, 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JFZ
2/17/2009

/VIVEK SRIVASTAVA/

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Supervisory Patent Examiner, Art Unit 2426